

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
STEVEN C. MANNION
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 2064
NEWARK, NJ 07101
973-645-3827

August 16, 2016

LETTER ORDER/OPINION

**Re: D.E. 15, Reconsideration of Application for Appointment
of Pro Bono Counsel
Niblack v. Miglio et al
Civil Action No. 16-cv-747 (MCA)(SCM)**

Dear Litigants:

This matter comes before the Court upon review of Plaintiff, Stanley Niblack's ("Mr. Niblack") a) Appeal of Denial of Application for Appointment of *Pro Bono* Counsel,¹ and b) his reply to the State's opposition to his informal motion for Appointment of *Pro Bono* Counsel.² Mr. Niblack complains that the Court decided the motion without providing him time to submit a reply, and requests that "the Court ... reconsider" his circumstances.³

The Court has reviewed the parties' pleadings, Mr. Niblack's Application, the opposition, and now his reply to the opposition.⁴ Mr. Niblack's application and reply claims a medical impairment, but those allegations have not been supported with competent medical evidence. Conversely, defendants submitted a declaration from Dr. Ralph Woodward, M.D. who reviewed Mr. Niblack's medical record and stated, "The medical record does not state nor provide any medical reasons to

¹ (ECF Docket Entry No. ("D.E.") 14).

² (D.E. 14, Appeal at 2).

³ (D.E. 15, Pl. Reply).

⁴ (D.E. 1, 8, 10, 15).

support Niblack's claim that he cannot or should not write or type nor does the clinician instruct Mr. Niblack to stop writing.”⁵ Accordingly, for the reasons set forth in the Court’s July 13, 2016 Order/Opinion⁶ and the reasons set forth herein, the Application is **denied without prejudice**.

SO ORDERED.



Honorable Steve Mannion, U.S.M.J.
United States District Court,
for the District of New Jersey
phone: 973-645-3827

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c (via ECF):
All Counsel

c (via U.S. Mail R.R.R.):

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⁵ (D.E. 10, Df. Opposition, Exh. B ¶ 3).

⁶ (D.E. 12, Opinion).